

Claims 1-26 were again rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams '098 in view of Schneider '976 and Small '730. The applicant appreciates the interview afforded by Examiner Rada on September 11, 2002. In that interview, the applicant discussed the claims and proposed language for amending the same, and explained the patentable differences between the claims and the cited references. The discussion focused on Small. Examiner Rada suggested that the applicant provide the arguments for patentability in writing. These arguments are presented below.

The claims have been formally amended to highlight the following essential features of the invention:

- dispensing a tangible sweepstakes entry from the gaming machine;
- submitting the sweepstakes entry to enter the sweepstakes without involving the gaming machine; and
- conducting the sweepstakes after the sweepstakes entry is dispensed from the gaming machine.

The cited references, taken alone or in combination, fail to disclose or suggest this claimed combination of features. The Office Action acknowledges that Adams and Schneider “do not disclose dispensing a sweepstakes entry from a gaming machine.” Therefore, the Office Action relies upon Small for its disclosure of this claimed feature. This reliance on Small, however, is misplaced. Small does not teach or suggest the claimed combination of features noted above, let alone the claimed feature of dispensing a sweepstakes entry from a machine.

Briefly, Small operates as follows. Small is designed to be used in conjunction with a network of financial institutions having interconnected data processing facilities. Col. 2, lines 59-61. Typically, each financial institution has a plurality of ATM and/or POS terminals. Col. 2, lines 61-63. Upon a user's insertion of a debit card into an ATM or POS terminal and entry of a

valid PIN, a remote sweepstakes computer on the network reads the user's financial account number or other selected user indicia and compares the account number to a computer-generated prize number. Col. 3, lines 33-39. In other words, the user is electronically entered into the sweepstakes by virtue of communication between the ATM or POS terminal and the remote sweepstakes computer. The user is notified of the results of the sweepstakes by means of a printed receipt. Col. 8, lines 44-45. If a winning correlation exists between the two numbers, the sweepstakes computer determines a prize to be awarded to the user. Col. 3, lines 61-63. If cash awards are given, the operator of the sweepstakes may instantaneously credit the user's account or, in the case of an ATM, immediately deliver cash to the user. Col. 4, lines 10-14. If the award is not given immediately at the ATM, the transaction receipt is printed to indicate the award to the user. Col. 4, lines 15-17.

Contrary to the claimed invention, the ATM or POS terminal in Small does not dispense a tangible sweepstakes entry to the user for subsequent submission to a sweepstakes provider. Small electronically enters the user into a sweepstakes by virtue of communication between the ATM or POS terminal and the remote sweepstakes computer. The only item dispensed to the user is a printed receipt notifying the user of the results of the sweepstakes, which is conducted by the sweepstakes computer while the user performs a financial transaction at the ATM or POS terminal. In one embodiment, Small states that the sweepstakes computer can be programmed to enter the user's account number or other user indicia into a longer term lottery. Col. 4, lines 35-38. Even in this embodiment, however, the ATM or POS terminal does not dispense a sweepstakes entry. The printed receipt is not a sweepstakes entry. Small enters the user into a sweepstakes electronically, not by dispensing a tangible sweepstakes entry to the user for subsequent submission to a sweepstakes provider.

Contrary to the claimed invention, the ATM or POS terminal in Small is directly involved in submitting a sweepstakes entry to enter a user into a sweepstakes. Small electronically enters a user into a sweepstakes by virtue of communication between the ATM or POS terminal and a remote sweepstakes computer. In contrast, the claimed invention submits a sweepstakes entry to enter a sweepstakes without involving the gaming machine.

Finally, because Small never dispenses a sweepstakes entry, Small does not conduct the sweepstakes after the sweepstakes entry is dispensed from the gaming machine. The claimed invention requires that the sweepstakes be conducted after the sweepstakes entry is dispensed from the gaming machine.

Because the combination of Adams, Schneider, and Small fails to teach or suggest the claimed combination of features, the applicant respectfully submits that the obviousness rejection based on these references should be withdrawn. It is the applicants' belief that all of the claims are now in condition for allowance, and action towards that end is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,



Date: September 20, 2002

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